

# CM/ECF: THE FUTURE ON YOUR DESKTOP

U.S. Bankruptcy Court-District of Vermont

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## New Local Rules to Address CM/ECF

### CM/ECF Coverage a Priority

Most of Vermont's legal community knows that the United States Bankruptcy Court, District of Vermont (USBC-VT) will soon issue a completely new set of local rules. Indeed, many court users have provided valuable assistance in the drafting of these rules. Judge Brown has placed the highest priority on developing rules that are both clear and comprehensive, and has decided to include rules that address the use of Case Management/Electronic Case Filing (CM/ECF). At a recent meeting on CM/ECF, members of the bar, Judge Brown, and key court staff discussed a number of topics and logistical issues that will be addressed in the new rules.

The final version of the USBC-VT Local Rules will address such questions as what constitutes filing under CM/ECF and whether a document is instantaneously filed when transmitted electronically. Other issues include what will happen to the original paper filing of the Electronic Case Filing Declaration, how long the court will store such paper documents, how file stamps will be applied, and how CM/ECF will handle original signatures. (For more on that question, see "About Signatures" in this newsletter.)

The local rules will provide clear instructions regarding eligibility, registration, and passwords for electronic filing for attorneys, non-attorneys, and *pro se* debtors. A topic of particular interest to attorneys will be the requirements for filing attachments and exhibits, including proofs of

claim, e.g., under electronic filing, only excerpts of the exhibit germane to the matter under consideration will be filed. The new rules will set forth specific directions for such filings.

As the USBC-VT makes the transition to CM/ECF, court users can expect to receive information, training, and direction from a variety of sources. Keeping court users informed is seen as critical to ensuring as seamless a transition as possible. Personal training, workshops, and publications like this newsletter will all be part of the process. When the transition period is over, court users will be able to refer to the local rules and the help desk for clear direction about how to practice in the bankruptcy court and how to utilize the conveniences offered by CM/ECF.

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### Tutorial Available On-Line

Did you know that now you can practice using CM/ECF on-line? Even if your office isn't yet totally equipped to start filing electronically, you can still use the tutorial that is available from the court's website to get a head start using CM/ECF. It's easy!

Go to the court's home page at <http://www.vtb.uscourts.gov>. At the top of the page, click on **CM/ECF Online Filing**. This takes you to the CM/ECF main screen, where you will click on **CM/ECF Tutorial**. The next screen will read **U.S. Bankruptcy Court for the District of Vermont Electronic Case Filing Tutorial for Attorneys and Law Firm Staff**. This screen is basically the Table of Contents for the Tutorial.

The Tutorial is divided into six modules. They are: **Introduction, Bankruptcy Events, Creditor Maintenance, Adversary Events, Queries and Reports, and Working with Documents.** From these modules, you can learn and practice everything from filing a bankruptcy case to uploading a creditor matrix, to converting a word-processing document into PDF format, and much more. The Tutorial screens are very user-friendly; each screen displays a box that is divided into two parts, the Instruction side and the Practice side. The Instruction side tells you exactly what to do on the Practice side as you progress through the event.

If you get lost, or simply want to review a step, you can click on the **Back** icon as many times as necessary to get where you want to go. If you want to start over completely, you can click on **Home** to go back to the Tutorial Table of Contents. If you want to quit the Tutorial entirely, simply return to the court's home page, type in another Internet address, or just end your Internet session. You can practice each event as many times as you choose, whenever you have a spare moment.

Working on your own with the Tutorial will make your sessions with one of the court's personal trainers much more productive, because you will already be familiar with the program and may have some specific questions to ask. For that matter, you don't have to wait for your on-site training to ask questions. You can call Kathy Ford (802-776-2003) or Gary Gfeller (802-776-2015) anytime for more information about any aspect of CM/ECF.



## Filing Fees:

### The Financial Side of CM/ECF

CM/ECF users will pay filing fees via credit card. The preferred way of handling this is for attorneys to open a business credit card specifically for payment of court filing and other related fees. The application for authorization of credit card payments must be mailed or delivered to the Rutland location of the Bankruptcy Court, where the original form will be retained. At this time, the court accepts American Express, Diners Club, Discover, MasterCard, and Visa.



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## No Internet Access? No Problem!

Ideally, all users of CM/ECF would have access, since the program is designed for electronic transfer of information. However, the court will also be able to accommodate attorneys and *pro se* filers who lack Internet access.

If you have a computer that can save documents in PDF format (that is, you have Adobe Acrobat, v.4 or above installed), you can save your documents on a diskette, bring the diskette to court, and file here.

Attorneys and *pro se* filers may also bring their paper documents to court and scan them here, thus creating an electronic image. The scanned image can then be filed into the CM/ECF system.

So, connected or unconnected, the USBC-VT has something for everybody!

## Login Names & Passwords: Keep Them Private!



**M**any attorneys utilize the services of a paralegal or secretary to file routine documents. You may be wondering if you can authorize someone else in your office to use your login name and password. The answer is “Yes.” It is up to the individual attorney to decide who, if anyone, will share his/her access to CM/ECF. The court strongly advises that such sharing be very limited, for the attorney’s own protection. Anything filed under an attorney’s login name and password is deemed to have the attorney’s signature on it. Inadvertent errors on the part of an assistant could lead to complicated problems, so limit access to your login information.

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## ABOUT SIGNATURES....

Before CM/ECF, all documents filed with the court bore the original signature of the attorney. With electronic filing, the system will be a little different. When registering to use CM/ECF, attorneys sign an agreement to the effect that use of their login name and password constitutes their signature. When filing documents electronically, an attorney will use the mark /s/[attorney’s name] in place of an actual signature. The attorney or party who files the document must retain the original signed copy of the filing for at least five years. The original paper declaration under penalty of perjury relating to the petition, statements, schedules, and the original chapter 11 operating reports, and any amendment to any of these documents must be filed within 3 days of the electronic filing of the document and shall be retained by the Clerk for five years, as set forth in Vt. LBR 5003-1(b).

Off and Running with  
CM/ECF!



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